

REMARKS

I. Non-responsive Amendment to Office Action

The Examiner states that Applicant's response filed on February 26, 2009 was not responsive to the Examiner's Office Action. Specifically, the Examiner states that "claim 23 is no longer using the composition of claim 1." Applicant respectfully traverses the Examiner's notification of non-responsiveness. Applicant previously amended claim 23 to incorporate each and every element of the composition of claim 1 into method steps that were previously presented in claim 23.

The elements of the composition of claim 1 comprises: (1) a physiologically active agent; (2) at least one neutralizing agent to increase the pH in the digestive system of said human or animal; (3) at least one inhibitor of digestive enzymes to prevent enzymatic digestion of said physiologically active agent; and (4) at least one uptake-increasing agent to increase intestinal absorption of the physiologically active agent. The previously amended claim 23 presented for the Examiner include each of these elements as a method step for enhancing body uptake of a physiologically active agent or an antigen in a human or an animal to modulate a physiological reaction or induce immune response. The method comprises: (1) orally administrating a physiologically active agent; (2) neutralizing the pH in the digestive system to prevent denaturation of the physiologically active agent; (3) inhibiting digestive enzymes to prevent enzymatic digestion of the physiologically active agent; and (4) increasing intestinal absorption of the physiologically active agent.

Applicant has further amended claim 23 in order include all four components of the composition of claim 1 into the method of enhancing body uptake of a physiologically active agent or an antigen in a human or an animal to modulate a physiological reaction or

induce immune response. Accordingly, Applicant has obviated the Examiner's Notice of Non-Compliance and presented the claim to clearly show the composition of claim 1, as previously recited in claim 23, is included within the method claim 23.

II. Election/Restriction

Applicant maintains all remarks previously presented for the Examiner regarding the restriction requirement and the lack of unity of invention. Applicant amended claim 23 as well as withdrawn independent claims 25 and 32 to include method steps incorporating the elements of the composition of claim 1. Applicant respectfully requests the Examiner's final restriction of elected claim 23 separate from withdrawn claims 25-32, be reconsidered and withdrawn, in light of the claim amendments and Applicant's remarks previously presented regarding the § 103 rejection.

III. Claim Rejection Under 35 U.S.C. § 103

Applicant maintains all remarks previously presented regarding the rejection under 35 U.S.C. § 103(a). Applicant respectfully requests the Examiner reconsider and withdraw the rejection to place claim 23 and the previously amended withdrawn claims 25-32 in condition for allowance.

IV. Double Patenting

Applicant further maintains all remarks relating to the provisional rejection on the ground of nonstatutory double patenting.

V. Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,



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